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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 CHARLES CASTON,

11 Plaintiff,

12 v.

13 MEXICO CONSULT GENERAL, *et al.*,

14 Defendants.  
15

Case No. 2:07-CV-00468-KJD-RJJ

**ORDER**

16 Presently before the Court is the Report & Recommendation (#3) of Magistrate Judge Robert  
17 J. Johnston recommending that Plaintiff's complaint be dismissed with prejudice as frivolous. On  
18 January 18, 2008, Plaintiff filed a Notice of Appeal (#4) with this case number but with the notation  
19 that it was for the Northern District of California. Construing pro se Plaintiff's pleadings liberally,  
20 the Court considers Plaintiff's Notice an objection to the Report & Recommendation, because  
21 the Report & Recommendation is not a final order that may be appealed. The Court has  
22 conducted a *de novo* review of the record in this case in accordance with 28 U.S.C. §  
23 636(b)(1) and LR IB 3-2. The Court finds that the Report & Recommendation (#3) of the  
24 United States Magistrate Judge entered January 4, 2008, should be adopted and affirmed.

25 IT IS THEREFORE ORDERED that Report & Recommendation (#3) of the United  
26 States Magistrate Judge entered January 4, 2008, is **ADOPTED** and **AFFIRMED**;

1 IT IS FURTHER ORDERED that Plaintiff's complaint is **DISMISSED with prejudice as**  
2 **frivolous.**

3 DATED this 11<sup>TH</sup> day of February 2008.  
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7 Kent J. Dawson  
8 United States District Judge  
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